

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PENROD MANAGEMENT GROUP INC.,

Plaintiff-Petitioner,

- against -

STEWART'S MOBILE CONCEPTS, LTD.,

Defendant-Respondent.
-----x

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/4/08

07 Civ. 10649 (DFE)

This is an ECF case

MEMORANDUM AND ORDER

By Opinion and Order dated February 16, 2008, Judge Koeltl stayed the arbitration, pending a trial in which "Stewart's will bear the burden of proving that Penrod is [was] the alter ego of Nikki Beach." Two weeks later, the parties filed a Consent to Proceed before me for all purposes, including trial. Please note that the docket number no longer contains Judge Koeltl's initials. On March 12, 2008, I held a telephone conference with Mr. Marks and Mr. Mulvaney, and they agreed to the following scheduling order. I apologize for my delay in issuing this formal order.

By March 26, 2008, Stewart's will serve its trial exhibits, arranged in chronological order and pre-marked with numbers.

By April 4, 2008, Penrod will serve its trial exhibits, arranged in chronological order and pre-marked with letters (A through Z, then AA, BB, etc.).

By April 30, 2008, Stewart's will serve its witnesses' affidavits to be used at trial in lieu of direct testimony.

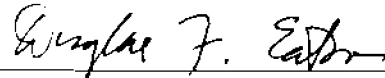
By May 16, 2008, Penrod will serve its witnesses' affidavits to be used at trial in lieu of direct testimony.

By May 23, 2008, Stewart's will serve (a) a trial memorandum of law (which need not be in the form of findings of fact and conclusions of law) and (b) any motions in limine. (At this time, Stewart's will send me a courtesy copy of these items, plus its trial exhibits, plus its witnesses' affidavits.)

By June 3, 2008, Penrod will serve (a) a trial memorandum of law (which need not be in the form of findings of fact and conclusions of law) and (b) any motions in limine. (At this

time, Penrod will send me a courtesy copy of these items, plus its trial exhibits, plus its witnesses' affidavits.)

The non-jury trial will be held in Courtroom 18A from 9:45 a.m. to 5:00 p.m. on June 9 and 10, 2008, and (if necessary) on June 23 and 24, 2008.



DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
April 4, 2008

Copies of this Memorandum and Order were sent on this date by electronic filing to:

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